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UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MISSOURI SOUTHEASTERN DIVISION

ANTOINE LEE BOYLE,)	
Plaintiff,)	
v.)	No. 1:24 CV 06 CDP
MISSOURI DEPARTMENT OF)	
CORRECTIONS, et al.,)	
Defendants.)	

MEMORANDUM AND ORDER

On May 7, 2025, I granted self-represented plaintiff Antoine Lee Boyle leave to amend his complaint to reinstate his Eighth Amendment claim of Failure to Protect against defendant Ethan Freeman and to add an additional claim against Freeman of Excessive Use of Force. Freeman, a former correctional officer at Southeast Correctional Center, was earlier dismissed from this action without prejudice under Federal Rule of Civil Procedure 4(m) as he had not been timely served. In response to Freeman's reinstatement to the case, and as directed by the Court, the Missouri Attorney General's Office provided Freeman's last known address (under seal) so that service of Boyle's amended complaint could be attempted on Freeman. On August 20, summons was returned unexecuted, with the notation that Freeman no longer resides at the address provided and that no forwarding information was available.

I have twice directed that service be attempted on Freeman at his last known addresses provided by the Missouri Attorney General's Office (*see* ECF 23, 61), and both attempts at service were unsuccessful. Under Rule 4(m),

If a defendant is not served within 90 days after the complaint is filed, the court – on motion or on its own after notice to the plaintiff – must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

Here, it has been more than 90 days since I granted Boyle leave to amend his complaint reinstating defendant Freeman to the case. Given Boyle's status as a self-represented litigant who is proceeding in forma pauperis, I will give him 21 days to provide the Court with adequate information so that one last attempt can be made to serve Freeman. Failure to timely provide such information will result in the dismissal of Boyle's claims against Freeman under Rule 4(m).

Accordingly,

IT IS HEREBY ORDERED that within twenty-one (21) days of the date of this Order, plaintiff Antoine Lee Boyle shall provide the Court with adequate information to effect service of process on defendant Ethan Freeman. Failure to timely respond to this Order will result in the dismissal of Boyle's claims against Freeman for failure to effect service under Federal Rule of Civil Procedure 4(m).

CATHERINE D. PERRY

UNITED STATES DISTRICT JUDGE

Dated this 21st day of August, 2025.